

City of Brookings

MEETING AGENDA

CITY COUNCIL

Monday, October 25, 2021, 7:00pm

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415

CITY COUNCIL

A. Call to Order

B. Pledge of Allegiance

C. Roll Call

D. Ceremonies/Appointments/Announcements

1. Red Ribbon Week Proclamation [Pg. 1]

E. Oral Requests and Communications from the audience

(*Public Comments on non-agenda items – five (5) minute limit per person, please submit Public Comment Form in advance)

F. Consent Calendar

1. Approve Council minutes for October 11, 2021 [Pg. 2]
2. Accept Financials for September 2021 [Pg. 4]

G. Staff Reports/Public Hearings/Ordinances/Resolutions/Final Orders

1. KCIW Memorandum of Understanding Extension [Pg. 10]
 - a) KCIW letter, requesting extension [Pg. 12]
 - b) Current MOU [Pg. 13]
2. Land Development Code Revisions – Accessory Dwelling Unit [Pg. 15]
 - a) Ordinance 21-O-794 [Pg. 16]
 - b) Exhibit A [Pg. 17]
3. Conditional Use Permit – Benevolent Meal Services [Pg. 18]
 - a) Ordinance 21-O-795 [Pg. 20]
 - b) Exhibit A [Pg. 21]

H. Remarks from Mayor and Councilors

I. Adjournment

*Public Comment forms and the agenda packet are available on-line at www.brookings.or.us, at Brookings City Hall and at Chetco Community Public Library. Return completed Public Comment forms to the City Recorder before the start of the meeting or during regular business hours.

All public meetings are held in accessible locations. Auxiliary aids will be provided upon request with at least 72 hours advance notification. Please contact 469-1102 if you have any questions regarding this notice.

Due to the COVID-19 virus, meeting participants in the council chambers will be limited and social distancing of six (6) feet will be required and maintained. If you would like to view the City Council Meeting live, you can via:

- Television – Charter Channel 181
- Internet – Go to the City of Brookings website at <http://www.brookings.or.us>

Watch Meeting Live instructions: 1. Visit the City of Brookings website home page. 2. Click on Government (top page). 3. Click on City Council (right side). 4. Under Agenda & Meetings click Watch Meeting Live. 5. You will need to download the VLC Media Player. Follow directions and links for your device.

On computers, it is possible to stream the meetings LIVE by copying and pasting the following link inside your web browser: <mms://68.185.2.46:8080>

City of Brookings *Proclamation*

WHEREAS, Substance abuse is damaging to our children and is a contributing factor in the three leading causes of death for teenagers - accidents, homicides and suicides; and

WHEREAS, October 25th through October 31st, 2021, has been designated **NATIONAL RED RIBBON WEEK** whereby all Americans can show their commitment to drug-free lifestyles; and

WHEREAS, Brookings Emblem Club #265 and the City of Brookings encourage everyone to participate in **RED RIBBON WEEK** to establish an atmosphere that promotes family and individual responsibilities for living drug free, without the use of illegal drugs or the illegal use of legal drugs, and

WHEREAS, the citizens of Brookings are invited to show their support for a drug-free community in which to raise happy, healthy, alcohol, tobacco and drug-free children by wearing and displaying red ribbons during this week;

NOW THEREFORE, that I, Ron Hedenskog, Mayor of the City of Brookings, do hereby proclaim the week of October 25th through October 31st, 2021 to be

RED RIBBON WEEK

In Witness Whereof, I, Mayor Ron Hedenskog, do hereto set my hand and cause the official seal of the City of Brookings, Oregon, to be affixed this 25th day of October, 2021.

Mayor Ron Hedenskog

City of Brookings
CITY COUNCIL MEETING MINUTES
City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415
Monday, October 11, 2021

Call to Order

Mayor Hedenskog called the meeting to order at 7:02 PM

Roll Call

Council Present: Mayor Ron Hedenskog, Councilors Brad Alcorn, Ed Schreiber, John McKinney, and Michelle Morosky; a quorum present

Staff present: City Manager Janell Howard, Public Works Director Tony Baron, Deputy Public Works Director Jay Trost, Deputy Finance Director Lu Ehlers, and Deputy Recorder Natasha Tippetts

Media Present: 0

Others Present: 4 audience members

Scheduled Public Appearances

1. Dr Juilane Leighton provided information about the South Coast Park and Recreation District
2. Leslie Wilkinson provided information about Nature's Coastal Holiday

Oral Requests and Communications from the Audience

None

Consent Calendar

1. Approve Council minutes for September 27, 2021
2. Accept May 27, 2021 Parks and Recreation meeting minutes
3. Accept September 7, 2021 Planning Commission meeting minutes
4. Cancel November 22, 2021 City Council Meeting
5. Cancel December 27, 2021 City Council Meeting

Councilor McKinney moved, Councilor Morosky seconded, and Council voted unanimously to approve the Consent Calendar.

Staff Reports

1. Transfer of Appropriations for FY 2021-22 From Contingency

Staff report presented by Lu Ehlers

Councilor Alcorn moved, Mayor Hedenskog seconded, and Council voted unanimously to adopt Resolution 21-R-1213 transferring appropriations from the contingency of the General Fund, Streets Fund, Water Fund, Wastewater Fund and the 911 Fund for insurance costs.

2. Transfer of Appropriations for FY 2021-22 From Carryover

Staff report presented by Lu Ehlers

Councilor Schreiber moved, Councilor Alcorn seconded, and Council voted unanimously to adopt Resolution 21-R-1214 approving appropriation transfers in the General Fund and Capital Projects Reserve Fund from Carryover.

3. Business Oregon – Safe Drinking Water Revolving Loan Fund Agreement

Staff report presented by Janell Howard

Councilor Morosky moved, Councilor McKinney seconded, and Council voted unanimously to authorize City Manager to enter into an agreement with Business Oregon through its Safe Drinking Water Revolving Loan Fund for a total of \$4,175,000.

Informational Non-Action Items:

1. Accept September Vouchers

Remarks from Mayor and Councilors

None

Adjournment

Mayor Hedenskog moved, Councilor Mckinney seconded and Council voted unanimously to adjourn the meeting at 7:48 PM

Respectfully submitted:

ATTESTED:
this 25th day of October, 2021:

Ron Hedenskog, Mayor

Janell K. Howard, City Recorder

CITY OF BROOKINGS
FUND SUMMARY
FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2021

GENERAL FUND

| | BUDGET | PERIOD ACTUAL | YTD ACTUAL | REMAINING BUDGET | PCNT |
|------------------------------------|---------------------|-------------------|---------------------|---------------------|-------------|
| REVENUE | | | | | |
| TAXES | 3,507,011.00 | 113,002.58 | 324,240.25 | 3,182,770.75 | 9.3 |
| LICENSES AND PERMITS | 276,500.00 | 24,161.53 | 89,021.79 | 187,478.21 | 32.2 |
| INTERGOVERNMENTAL | 295,000.00 | 19,055.89 | 780,218.44 | (485,218.44) | 264.5 |
| CHARGES FOR SERVICES | 318,500.00 | 14,873.74 | 141,745.63 | 176,754.37 | 44.5 |
| OTHER REVENUE | 122,500.00 | 2,208.17 | 24,742.47 | 97,757.53 | 20.2 |
| TRANSFERS IN | 595,248.00 | .00 | .00 | 595,248.00 | .0 |
| | <u>5,114,759.00</u> | <u>173,301.91</u> | <u>1,359,968.58</u> | <u>3,754,790.42</u> | <u>26.6</u> |
| EXPENDITURES | | | | | |
| JUDICIAL: | | | | | |
| PERSONAL SERVICES | 33,678.00 | 2,659.25 | 8,712.16 | 24,965.84 | 25.9 |
| MATERIAL AND SERVICES | 12,850.00 | 567.00 | 1,216.31 | 11,633.69 | 9.5 |
| CAPITAL OUTLAY | .00 | .00 | .00 | .00 | .0 |
| | <u>46,528.00</u> | <u>3,226.25</u> | <u>9,928.47</u> | <u>36,599.53</u> | <u>21.3</u> |
| FINANCE AND ADMINISTRATION: | | | | | |
| PERSONAL SERVICES | 367,902.00 | 28,999.55 | 90,846.61 | 277,055.39 | 24.7 |
| MATERIAL AND SERVICES | 153,500.00 | 3,829.62 | 34,305.33 | 119,194.67 | 22.4 |
| CAPITAL OUTLAY | .00 | .00 | .00 | .00 | .0 |
| | <u>521,402.00</u> | <u>32,829.17</u> | <u>125,151.94</u> | <u>396,250.06</u> | <u>24.0</u> |
| POLICE: | | | | | |
| PERSONAL SERVICES | 2,916,160.00 | 205,895.49 | 653,879.14 | 2,262,280.86 | 22.4 |
| MATERIAL AND SERVICES | 189,500.00 | 16,928.49 | 56,670.77 | 132,829.23 | 29.9 |
| CAPITAL OUTLAY | .00 | .00 | .00 | .00 | .0 |
| DEBT SERVICE | 67,867.00 | 18,759.24 | 27,663.86 | 40,203.14 | 40.8 |
| TRANSFERS OUT | .00 | .00 | .00 | .00 | .0 |
| | <u>3,173,527.00</u> | <u>241,583.22</u> | <u>738,213.77</u> | <u>2,435,313.23</u> | <u>23.3</u> |
| FIRE: | | | | | |
| PERSONAL SERVICES | 229,448.00 | 17,948.32 | 57,107.03 | 172,340.97 | 24.9 |
| MATERIAL AND SERVICES | 101,500.00 | 4,558.87 | 24,311.37 | 77,188.63 | 24.0 |
| CAPITAL OUTLAY | .00 | .00 | .00 | .00 | .0 |
| DEBT SERVICE | 30,580.00 | .00 | .00 | 30,580.00 | .0 |
| TRANSFERS OUT | .00 | .00 | .00 | .00 | .0 |
| | <u>361,528.00</u> | <u>22,507.19</u> | <u>81,418.40</u> | <u>280,109.60</u> | <u>22.5</u> |

CITY OF BROOKINGS
FUND SUMMARY
FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2021

GENERAL FUND

| | BUDGET | PERIOD ACTUAL | YTD ACTUAL | REMAINING BUDGET | PCNT |
|----------------------------|------------------------|----------------------|---------------------|------------------------|-------------|
| PLANNING AND BUILDING: | | | | | |
| PERSONAL SERVICES | 263,365.00 | 15,083.92 | 46,730.51 | 216,634.49 | 17.7 |
| MATERIAL AND SERVICES | 91,600.00 | 3,833.94 | 9,951.53 | 81,648.47 | 10.9 |
| CAPITAL OUTLAY | .00 | .00 | .00 | .00 | .0 |
| TRANSFERS OUT | .00 | .00 | .00 | .00 | .0 |
| | <u>354,965.00</u> | <u>18,917.86</u> | <u>56,682.04</u> | <u>298,282.96</u> | <u>16.0</u> |
| PARKS & RECREATION: | | | | | |
| PERSONAL SERVICES | 282,595.00 | 20,166.32 | 72,080.46 | 210,514.54 | 25.5 |
| MATERIAL AND SERVICES | 114,100.00 | 10,770.29 | 36,954.77 | 77,145.23 | 32.4 |
| CAPITAL OUTLAY | .00 | .00 | .00 | .00 | .0 |
| DEBT SERVICE | 9,981.00 | .00 | .00 | 9,981.00 | .0 |
| TRANSFERS OUT | .00 | .00 | .00 | .00 | .0 |
| | <u>406,676.00</u> | <u>30,936.61</u> | <u>109,035.23</u> | <u>297,640.77</u> | <u>26.8</u> |
| GOLF COURSE: | | | | | |
| PERSONAL SERVICES | .00 | .00 | .00 | .00 | .0 |
| MATERIAL AND SERVICES | 84,000.00 | .00 | .00 | 84,000.00 | .0 |
| CAPITAL OUTLAY | .00 | .00 | .00 | .00 | .0 |
| | <u>84,000.00</u> | <u>.00</u> | <u>.00</u> | <u>84,000.00</u> | <u>.0</u> |
| SWIMMING POOL: | | | | | |
| PERSONAL SERVICES | 83,730.00 | 11,039.01 | 65,989.79 | 17,740.21 | 78.8 |
| MATERIAL AND SERVICES | 48,600.00 | 16,361.90 | 27,929.74 | 20,670.26 | 57.5 |
| CAPITAL OUTLAY | .00 | .00 | .00 | .00 | .0 |
| | <u>132,330.00</u> | <u>27,400.91</u> | <u>93,919.53</u> | <u>38,410.47</u> | <u>71.0</u> |
| NON-DEPARTMENTAL: | | | | | |
| MATERIAL AND SERVICES | 164,600.00 | 10,486.79 | 19,015.35 | 145,584.65 | 11.6 |
| CAPITAL OUTLAY | .00 | .00 | .00 | .00 | .0 |
| TRANSFERS OUT | 555,350.00 | .00 | .00 | 555,350.00 | .0 |
| CONTINGENCIES AND RESERVES | 663,853.00 | .00 | .00 | 663,853.00 | .0 |
| | <u>1,383,803.00</u> | <u>10,486.79</u> | <u>19,015.35</u> | <u>1,364,787.65</u> | <u>1.4</u> |
| | <u>6,464,759.00</u> | <u>387,888.00</u> | <u>1,233,364.73</u> | <u>5,231,394.27</u> | <u>19.1</u> |
| | <u>(1,350,000.00)</u> | <u>(214,586.09)</u> | <u>126,603.85</u> | <u>(1,476,603.85)</u> | <u>9.4</u> |

CITY OF BROOKINGS
FUND SUMMARY
FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2021

STREET FUND

| | BUDGET | PERIOD ACTUAL | YTD ACTUAL | REMAINING BUDGET | PCNT |
|----------------------------|----------------------|------------------|-------------------|----------------------|-------------|
| <u>REVENUE</u> | | | | | |
| INTERGOVERNMENTAL | 605,000.00 | 48,800.11 | 129,783.05 | 475,216.95 | 21.5 |
| OTHER REVENUE | 14,700.00 | 184.00 | 4,462.12 | 10,237.88 | 30.4 |
| TRANSFER IN | .00 | .00 | .00 | .00 | .0 |
| | <u>619,700.00</u> | <u>48,984.11</u> | <u>134,245.17</u> | <u>485,454.83</u> | <u>21.7</u> |
| <u>EXPENDITURES</u> | | | | | |
| EXPENDITURES: | | | | | |
| PERSONAL SERVICES | 229,536.00 | 17,071.65 | 53,718.24 | 175,817.76 | 23.4 |
| MATERIAL AND SERVICES | 210,000.00 | 21,861.58 | 56,295.72 | 153,704.28 | 26.8 |
| CAPITAL OUTLAY | 187,940.00 | .00 | .00 | 187,940.00 | .0 |
| DEBT SERVICE | 12,551.00 | 1,724.29 | 5,172.87 | 7,378.13 | 41.2 |
| TRANSFERS OUT | 65,391.00 | .00 | .00 | 65,391.00 | .0 |
| CONTINGENCIES AND RESERVES | 164,282.00 | .00 | .00 | 164,282.00 | .0 |
| | <u>869,700.00</u> | <u>40,657.52</u> | <u>115,186.83</u> | <u>754,513.17</u> | <u>13.2</u> |
| | <u>869,700.00</u> | <u>40,657.52</u> | <u>115,186.83</u> | <u>754,513.17</u> | <u>13.2</u> |
| | <u>(250,000.00)</u> | <u>8,326.59</u> | <u>19,058.34</u> | <u>(269,058.34)</u> | <u>7.6</u> |

CITY OF BROOKINGS
FUND SUMMARY
FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2021

WATER FUND

| | BUDGET | PERIOD ACTUAL | YTD ACTUAL | REMAINING BUDGET | PCNT |
|----------------------------|----------------------|-------------------|-------------------|----------------------|--------------|
| <u>REVENUE</u> | | | | | |
| SOURCE 03 | .00 | .00 | .00 | .00 | .0 |
| CHARGES FOR SERVICES | 1,815,000.00 | 174,919.90 | 550,331.74 | 1,264,668.26 | 30.3 |
| OTHER INCOME | 48,000.00 | 7,053.75 | 12,853.83 | 35,146.17 | 26.8 |
| TRANSFERS IN | .00 | .00 | .00 | .00 | .0 |
| | <u>1,863,000.00</u> | <u>181,973.65</u> | <u>563,185.57</u> | <u>1,299,814.43</u> | <u>30.2</u> |
| <u>EXPENDITURES</u> | | | | | |
| WATER DISTRIBUTION: | | | | | |
| PERSONAL SERVICES | 403,704.00 | 30,365.94 | 96,244.16 | 307,459.84 | 23.8 |
| MATERIAL AND SERVICES | 186,800.00 | 16,276.78 | 54,472.47 | 132,327.53 | 29.2 |
| CAPITAL OUTLAY | 50,000.00 | 2,777.94 | 5,213.94 | 44,786.06 | 10.4 |
| DEBT SERVICE | 6,793.00 | 2,751.87 | 3,486.63 | 3,306.37 | 51.3 |
| TRANSFERS OUT | 24,000.00 | .00 | .00 | 24,000.00 | .0 |
| | <u>671,297.00</u> | <u>52,172.53</u> | <u>159,417.20</u> | <u>511,879.80</u> | <u>23.8</u> |
| WATER TREATMENT: | | | | | |
| PERSONAL SERVICES | 27,603.00 | 2,198.77 | 6,888.54 | 20,714.46 | 25.0 |
| MATERIAL AND SERVICES | 508,369.00 | 39,628.64 | 110,453.52 | 397,915.48 | 21.7 |
| CAPITAL OUTLAY | 10,000.00 | .00 | .00 | 10,000.00 | .0 |
| DEBT SERVICE | 2,385.00 | 2,384.49 | 2,384.49 | .51 | 100.0 |
| TRANSFERS OUT | 718,494.00 | .00 | .00 | 718,494.00 | .0 |
| CONTINGENCIES AND RESERVES | 204,852.00 | .00 | .00 | 204,852.00 | .0 |
| | <u>1,471,703.00</u> | <u>44,211.90</u> | <u>119,726.55</u> | <u>1,351,976.45</u> | <u>8.1</u> |
| DEPARTMENT 24: | | | | | |
| CAPITAL OUTLAY | .00 | .00 | .00 | .00 | .0 |
| | <u>.00</u> | <u>.00</u> | <u>.00</u> | <u>.00</u> | <u>.0</u> |
| | <u>2,143,000.00</u> | <u>96,384.43</u> | <u>279,143.75</u> | <u>1,863,856.25</u> | <u>13.0</u> |
| | <u>(280,000.00)</u> | <u>85,589.22</u> | <u>284,041.82</u> | <u>(564,041.82)</u> | <u>101.4</u> |

CITY OF BROOKINGS
FUND SUMMARY
FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2021

WASTEWATER FUND

| | BUDGET | PERIOD ACTUAL | YTD ACTUAL | REMAINING BUDGET | PCNT |
|----------------------------|----------------------|-------------------|-------------------|----------------------|-------------|
| <u>REVENUE</u> | | | | | |
| SOURCE 03 | (4,500.00) | .00 | .00 | (4,500.00) | .0 |
| CHARGES FOR SERVICES | 3,240,300.00 | 275,271.63 | 814,219.50 | 2,426,080.50 | 25.1 |
| OTHER REVENUE | 10,000.00 | .00 | 785.46 | 9,214.54 | 7.9 |
| TRANSFER IN | .00 | .00 | .00 | .00 | .0 |
| | <u>3,245,800.00</u> | <u>275,271.63</u> | <u>815,004.96</u> | <u>2,430,795.04</u> | <u>25.1</u> |
| <u>EXPENDITURES</u> | | | | | |
| WASTEWATER COLLECTION: | | | | | |
| PERSONAL SERVICES | 627,735.00 | 46,027.33 | 145,527.30 | 482,207.70 | 23.2 |
| MATERIAL AND SERVICES | 225,500.00 | 4,574.92 | 52,861.46 | 172,638.54 | 23.4 |
| CAPITAL OUTLAY | 15,000.00 | .00 | .00 | 15,000.00 | .0 |
| DEBT SERVICE | 6,793.00 | 2,751.71 | 3,486.15 | 3,306.85 | 51.3 |
| TRANSFERS OUT | 197,806.00 | .00 | .00 | 197,806.00 | .0 |
| | <u>1,072,834.00</u> | <u>53,353.96</u> | <u>201,874.91</u> | <u>870,959.09</u> | <u>18.8</u> |
| WASTEWATER TREATMENT: | | | | | |
| PERSONAL SERVICES | 41,732.00 | 3,298.06 | 10,332.69 | 31,399.31 | 24.8 |
| MATERIAL AND SERVICES | 970,333.00 | 76,872.90 | 191,743.37 | 778,589.63 | 19.8 |
| CAPITAL OUTLAY | .00 | .00 | .00 | .00 | .0 |
| DEBT SERVICE | 2,385.00 | 2,384.49 | 2,384.49 | .51 | 100.0 |
| TRANSFERS OUT | 1,357,525.00 | .00 | .00 | 1,357,525.00 | .0 |
| CONTINGENCIES AND RESERVES | 325,491.00 | .00 | .00 | 325,491.00 | .0 |
| | <u>2,697,466.00</u> | <u>82,555.45</u> | <u>204,460.55</u> | <u>2,493,005.45</u> | <u>7.6</u> |
| | <u>3,770,300.00</u> | <u>135,909.41</u> | <u>406,335.46</u> | <u>3,363,964.54</u> | <u>10.8</u> |
| | <u>(524,500.00)</u> | <u>139,362.22</u> | <u>408,669.50</u> | <u>(933,169.50)</u> | <u>77.9</u> |

CITY OF BROOKINGS
FUND SUMMARY
FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2021

URBAN RENEWAL AGENCY FUND

| | BUDGET | PERIOD ACTUAL | YTD ACTUAL | REMAINING BUDGET | PCNT |
|----------------------------|----------------------|-----------------|------------------|----------------------|------------|
| <u>REVENUE</u> | | | | | |
| TAXES | 660,164.00 | 3,057.67 | 11,646.78 | 648,517.22 | 1.8 |
| INTERGOVERNMENTAL | .00 | .00 | .00 | .00 | .0 |
| OTHER REVENUE | 2,000.00 | .00 | 573.72 | 1,426.28 | 28.7 |
| TRANSFERS IN | .00 | .00 | .00 | .00 | .0 |
| | <u>662,164.00</u> | <u>3,057.67</u> | <u>12,220.50</u> | <u>649,943.50</u> | <u>1.9</u> |
| <u>EXPENDITURES</u> | | | | | |
| GENERAL: | | | | | |
| PERSONAL SERVICES | .00 | .00 | .00 | .00 | .0 |
| MATERIAL AND SERVICES | 60,000.00 | .00 | .00 | 60,000.00 | .0 |
| CAPITAL OUTLAY | 1,332,164.00 | .00 | .00 | 1,332,164.00 | .0 |
| DEBT SERVICE | .00 | .00 | .00 | .00 | .0 |
| TRANSFERS OUT | 130,000.00 | .00 | .00 | 130,000.00 | .0 |
| CONTINGENCIES AND RESERVES | .00 | .00 | .00 | .00 | .0 |
| | <u>1,522,164.00</u> | <u>.00</u> | <u>.00</u> | <u>1,522,164.00</u> | <u>.0</u> |
| DEPARTMENT 20: | | | | | |
| CAPITAL OUTLAY | .00 | .00 | .00 | .00 | .0 |
| | <u>.00</u> | <u>.00</u> | <u>.00</u> | <u>.00</u> | <u>.0</u> |
| DEPARTMENT 22: | | | | | |
| MATERIAL AND SERVICES | .00 | .00 | .00 | .00 | .0 |
| DEBT SERVICE | .00 | .00 | .00 | .00 | .0 |
| | <u>.00</u> | <u>.00</u> | <u>.00</u> | <u>.00</u> | <u>.0</u> |
| DEPARTMENT 24: | | | | | |
| CONTINGENCIES AND RESERVES | .00 | .00 | .00 | .00 | .0 |
| | <u>.00</u> | <u>.00</u> | <u>.00</u> | <u>.00</u> | <u>.0</u> |
| | <u>1,522,164.00</u> | <u>.00</u> | <u>.00</u> | <u>1,522,164.00</u> | <u>.0</u> |
| | <u>(860,000.00)</u> | <u>3,057.67</u> | <u>12,220.50</u> | <u>(872,220.50)</u> | <u>1.4</u> |


CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: October 25, 2021

Originating Dept: Finance and Admin

Signature (submitted by)



City Manager Approval

Subject:

KCIW Memorandum of Understanding (MOU) extension

Recommendation:

- Motion to extend current MOU with KCIW for three months, through January 31, 2022.
- OR
- Motion to deny request for extension of MOU with KCIW.

Financial Impact:

\$300, lease revenue for November 2021 – January 2022.

Background/Discussion:

On September 8, 2014, the City Council authorized the City Manager to prepare and execute an agreement with Curry Coast Community Radio to install and maintain a radio broadcast antenna on the City public safety communications tower, with the term of the agreement to be three years and with the applicant to pay all costs associated with installing and maintaining the antenna, including electricity costs.

The Memorandum of Understanding (MOU) between the City of Brookings and Curry Coast Community Radio (KCIW) was signed in March 2015. A new MOU was signed, effective November 1, 2019 for \$100 per month for twelve months, to allow KCIW time to find a new location for their antenna. That agreement expired October 31, 2020.

KCIW requested an additional extension in July 2020. On September 28, 2020, Council approved a one-year extension, with no further options to extend. The current agreement will expire October 31, 2021.

I was contacted by Mark Newhouse, a volunteer with KCIW, with a request to extend the current agreement. He followed up and emailed the attached letter on October 20th, with a request for a 90-day extension. As the current agreement did not have any options to renew, staff is submitting this request to Council.

Attachments:

- a. KCIW letter, requesting extension
- b. Current MOU

October 19, 2021

To: City of Brookings
From: Curry Coast Community Radio, KCIW

Subject: Request for Antenna Relocation Broadcast Termination Deadline Extension

Curry Coast Community Radio (KCIW) currently has a commitment with the City of Brookings that KCIW will terminate broadcasting from the city tower and facilities after 31 October 2021. KCIW has secured an effective location for our antenna and a secure location for our transmission hardware. However, due to extenuating circumstances, KCIW requests an extension of the referenced termination for an additional 90 days. Many factors have contributed to delays necessitating our need for an extension. These are:

1. **Lengthy, difficult process in securing a permanent location** for our antenna and transmission hardware. Factors contributing to this are lack of 1) adequate antenna base locations meeting our population coverage height and mounting requirements within the Brookings city, 2) antenna mounting security, and 3) available adjacent location with security for our transmission hardware. In addition, construction impediments have limited our siting options (as per City Planning office) contributing to the selection of a new location.
2. **COVID induced impacts** to the various consultants, experts and facilities required to enable our antenna relocation.
3. **Uncertain FCC timeline** in approving our application to move our antenna to a new location. After our location was finalized, our FCC application was filed but has yet to be approved.
4. **Weather uncertainty** complicating installation personnel coordination.

KCIW is confident that once the FCC application is approved, we will be able to rapidly relocate our broadcast location away from the city tower.

Thank you for your consideration,



Rose Weiss
President, Curry Coast Community Radio, KCIW



MEMORANDUM OF UNDERSTANDING
City of Brookings and Curry Coast Community Radio (KCIW)

This Memorandum of Understanding (MOU) is executed by and between the **CITY OF BROOKINGS** (City) and **CURRY COAST COMMUNITY RADIO, Inc. (KCIW)** a non-profit corporation, City and KCIW hereinafter collectively referred to as the "Parties."

1.0 RECITALS

1.1 WHEREAS, KCIW is a non-profit organization.

1.2 KCIW desires to develop and operate a broadcast antenna on the Emergency Communications Tower (Tower) owned and operated by the City of Brookings, at 898 Elk Drive, Brookings, Oregon.

1.3 Public radio services provided by KCIW will include:

1.3.1 Public service announcements provided by the City.

1.3.2 Community event and City meeting schedules.

1.3.3 Emergency notification and information broadcasts. In the event of a disaster or emergency impacting the Brookings-Harbor community, KCIW transmission resources and frequency shall be made available to the City. The local emergency override system will be installed, operational, and useable by the City of Brookings' personnel by February 1, 2021.

1.4 The City desires to support the efforts of KCIW, as described above, recognizing the value of this service to the Brookings community. KCIW programming will encourage differing perspectives that are representative of the Brookings community. KCIW will assist the City in the timely broadcasting of City requested public service and emergency related announcements/programming. KCIW also commits to allow all reasonably requested programming, including different perspectives than that of current and/or future programming. It is understood that requested programming would need to be reasonably scheduled.

NOW, THEREFORE, the Parties promise and agree as follows:

2.0 TERMS AND CONDITIONS

2.1 The above-recitals are hereby incorporated by reference as though fully set forth herein.

2.2 KCIW will retain the space rental for a broadcast antenna and all associated equipment on Tower. The specific location of all such facilities shall be as determined by the tower management contractor.

2.3 KCIW shall pay the City \$100 monthly (\$1,200 annually), effective November 1, 2020.

2.4 All costs associated with installing and maintaining an antenna and related equipment shall be borne by KCIW.

2.5 Use of Tower by KCIW shall be secondary to the City's primary use of Tower for emergency communications. All KCIW facilities shall be removed from Tower at the expense of KCIW upon reasonable written notice from City or tower management contractor.

2.6 All City facilities, within which KCIW facilities are located, are under the security control of the City of Brookings Police Department, which shall establish rules, policies and procedures for KCIW access to those areas.

2.7 Term: The term of this MOU shall be 12 months from effective date, November 1, 2020. Notwithstanding the foregoing, the parties may terminate this MOU upon ninety (90) days notice, with or without cause.

3.0 NOTICE:

3.1 Notice to either of the parties shall be (1) by personal delivery, (2) by facsimile and regular U.S. mail, (3) by U.S. Mail, registered receipt requested, or (4) e-mail. Notice shall be deemed effective upon personal delivery, email, or, in the case of a mailing, upon the depositing of the mail with the United States postal service. Notice shall be given as follows:

TO THE CITY: City of Brookings
Attention: City Manager
898 Elk Drive
Brookings, OR 97415

TO KCIW: KCIW
Attention: President
PO Box 565
Brookings, OR 97415

4.0 INSURANCE AND INDEMNITY

4.1 Insurance terms shall be contained in the tower lease agreement.

5.0 MISCELLANEAOUS

5.1 MOU shall be deemed by the Parties to have been executed and delivered within the State of Oregon, and the rights and obligations of the Parties hereto shall be construed and enforced in accordance with, and governed by, the laws of the State of Oregon.

NOW, THEREFORE, in agreement with the terms and conditions set forth herein, the duly authorized signatures for the respective parties hereto execute this MOU.

CITY OF BROOKINGS
By: Janell K Howard, City Manager
Date: 10-15-2020

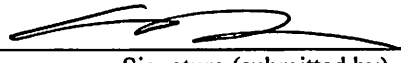
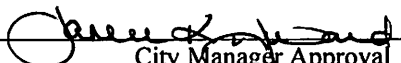
CURRY COAST COMMUNITY RADIO, INC.
By: Ray Gary, President
Date: 10/15/20

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: October 25, 2021

Originating Dept: PW/DS


Signature (submitted by)

City Manager Approval

Subject:

Land Development Code Revisions - Accessory Dwelling Unit (ADU)

Recommended Motion:

Approve file LDC-1-21 and adopt ordinance 21-O-794 amending the Brookings Municipal Code Chapter 17, Section 17.180 Workforce Housing.

Financial Impact:

None

Background/Discussion:

Staff received direction from Council and Planning Commission at a joint workshop held on August 30, 2021 to propose revisions to the Brookings Municipal Code (BMC) that would result in less restrictions on the development of Accessory Dwelling Units (ADUs) under the Workforce Housing Section 17.180 of the BMC.

Staff presented to the Planning Commission on October 5, 2021 proposed revisions to the BMC that would result in less restrictions for ADU development in residential zones. The revisions include eliminating the requirement that the rental of an ADU must comply with BMC 17.180.030(D)(2) Affordable Housing for Rent.

At the October 5th meeting, the Planning Commission reviewed the proposed changes and unanimously made recommendation to City Council to approve LDC-1-21, and adopt ordinance 21-O-794 amending the Brookings Municipal Code, Chapter 17, Section 17.180 Workforce Housing.

Attachment(s):

- a. Ordinance 21-O-794
- b. Exhibit A

IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON
ORDINANCE 21-O-794

**IN THE MATTER OF ORDINANCE 21-O-794, AN ORDINANCE AMENDING A SUBSECTION OF
BROOKINGS MUNICIPAL CODE IN CHAPTER 17.180 WORKFORCE HOUSING**

Sections:

Section 1. Ordinances Identified.

Section 2. Amends Chapter 17.180 Workforce Housing

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends the Brookings Municipal Code
Sections 17.180 Workforce Housing

Section 2. Amend Chapter 17.180 Workforce Housing, is hereby amended to read as
presented in Exhibit A attached hereto with additions designated in bold and underlined
and deletions being bold and struck out.

First Reading: _____ Passage: _____

Second Reading: _____ Effective Date: _____

Signed by me in authentication of its passage this 25th day of October 2021.

ATTEST:

Mayor Ron Hedenskog

City Recorder Janell K Howard

Exhibit A

Work Force Housing

Changes to BMC:

(additions are **bold and underlined**, deletions are ~~**bold and strikeout**~~)

Chapter 17.180

WORKFORCE HOUSING

17.180.040 Accessory dwelling unit.



D. ~~**Deleted**~~ ~~The rental of an ADU must comply with BMC 17.180.030(D)(2), Affordable Housing for Rent.~~

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: October 25, 2021

Originating Dept: PW/DS


Signature (submitted by)

City Manager Approval

Subject:

Conditional Use Permit - Benevolent Meal Service

Recommended Motion:

1. Approve file LDC-2-21 and adopt ordinance 21-O-795 amending the Brookings Municipal Code Chapter 17, Sections 17.08.020 B Terms, 17.20.040, 17.24.040, 17.28.040 Conditional Uses and 17.124 Specific Standards Applying to Conditional Uses.
2. Approve waiver for entities that apply for CUP under above mentioned sections for 3 months from adoption of Ordinance 21-O-795.

Financial Impact:

None

Background/Discussion:

Staff received direction from Council and Planning Commission at a joint workshop held on August 30, 2021 to propose revisions to the Brookings Municipal Code (BMC) that would provide a method for local churches and other non-profits to obtain a conditional use permit in order to provide benevolent meal services in a residential zone. Oregon Health authority (OHA) has classified the community kitchens located at St. Timothy's Episcopal Church, Star of the Sea Catholic Church and the Presbyterian Church as restaurants. The BMC doesn't allow "restaurants" either outright or conditionally as they are currently operating within residential districts (R-1, R-2, R-3).

Staff is proposing revisions to the BMC that would create a method for allowing benevolent meal services in churches and other non-profits, in a residential zone, under a conditional use permit.

At the October 5th meeting, the Planning Commission reviewed and recommended approval of file LDC-2-21 and adoption of ordinance 21-O-795 amending the Brookings Municipal Code Chapter 17, Sections 17.08.020 B Terms, 17.20.040, 17.24.040, 17.28.040 Conditional Uses and 17.124 Specific Standards Applying to Conditional Uses.

City Council indicated at the workshop that any planning fees associated with a CUP for benevolent meal services would be waived for an initial period (i.e. 3 months). After 3 months, an organization could still individually request that waiver.

Attachment(s):

- a. Ordinance 21-O-795
- b. Exhibit A

IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON
ORDINANCE 21-O-795

**IN THE MATTER OF ORDINANCE 21-O-795, AN ORDINANCE AMENDING A SUBSECTION OF
BROOKINGS MUNICIPAL CODE IN CHAPTER 17 LAND DEVELOPMENT CODE**

Sections:

Section 1. Ordinances Identified.

Section 2. Amends Chapter 17, Section 17.08.020 B Terms

Amends Chapter 17, Section 17.20.040 Conditional Uses

Amends Chapter 17, Section 17.24.040 Conditional Uses

Amends Chapter 17, Section 17.28.040 Conditional Uses

Amends Chapter 17, Section 17.124 Specific Standards Applying to
Conditional Uses

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends the Brookings Municipal Code
Chapter 17 Land Development Code.

Section 2. Amends Chapter 17, Sections 17.08.020 B Terms, 17.20.040 Conditional
Uses, 17.24.040 Conditional Uses, 17.28.040 Conditional Uses, and 17.124 Specific
Standards Applying to Conditional Uses are hereby amended to read as presented in
Exhibit A attached hereto with additions designated in bold and underlined and deletions
being bold and struck out.

First Reading: _____ Passage: _____

Second Reading: _____ Effective Date: _____

Signed by me in authentication of its passage this 25th day of October 2021.

ATTEST:

Mayor Ron Hedenskog

City Recorder Janell K Howard

Exhibit A

Conditional Uses - Benevolent Meal Services

Changes to BMC:

(additions are bold and underlined, deletions are ~~bold and strikeout~~)

Chapter 17

LAND DEVELOPMENT CODE

17.08.020 B Terms

“Benevolent meal service” means a periodic food service operation that provides food to the public without charge

Chapter 17.20

SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT

17.20.040 Conditional Uses.

V. Benevolent meal services, as a primary use or in combination with another use permitted outright or conditionally, subject to BMC 17.124.050

Chapter 17.24

TWO-FAMILY RESIDENTIAL (R-2) DISTRICT

17.24.040 Conditional Uses.

W. Benevolent meal services, as a primary use or in combination with another use permitted outright or conditionally, subject to BMC 17.124.050

Chapter 17.28

MULTIPLE-FAMILY RESIDENTIAL (R-3) DISTRICT

17.28.040 Conditional Uses.

U. Benevolent meal services, as a primary use or in combination with another use permitted outright or conditionally, subject to BMC 17.124.050

Chapter 17.124

SPECIFIC STANDARDS APPLYING TO CONDITIONAL USES

17.124.050 Benevolent Meal Service

A. Organizations or individuals providing benevolent meal services may serve meals to the public up to 2 days per week between the hours of 9am and 5pm. No benevolent meal service shall last more than three hours per day.

B. Benevolent meal services shall comply with all applicable state and county public health requirements and shall maintain any permits, licenses, or certifications required to provide such services at all times.

C. Benevolent meal services must utilize off-street parking facilities that comply with all applicable requirements of the Brookings Municipal Code. Off-street parking facilities shall include screening measures to reduce noise and other impacts to abutting properties.

D. Any structures used to provide benevolent meal services shall comply with all applicable city, county and state requirements related to building, fire and public works standards.

E. An organization providing benevolent meal services must meet the requirements of a charitable organization under Section 501(c)(3) of the Internal Revenue Code.